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10 Attorneys for Respondent

11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
13

14 **EUGENE ORANGE,**

Petitioner,

15  
16 v.

17 **A. HEDGEPEETH, WARDEN, et al.,**

18 Respondents.  
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08CV0767 BTM (WMc)

**EX PARTE REQUEST FOR  
ENLARGEMENT OF TIME TO  
FILE ANSWER TO PETITION  
FOR WRIT OF HABEAS  
CORPUS**

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**EX PARTE REQUEST FOR  
ENLARGEMENT OF TIME  
TO FILE ANSWER TO  
PETITION FOR WRIT OF  
HABEAS CORPUS**

20 RESPONDENTS, A. Hedgepeth, Warden, et al., by and through counsel Edmund G.  
21 Brown Jr, Attorney General of the State of California, and Douglas P. Danzig, Deputy Attorney  
22 General, makes this request for a 45-day enlargement of time from today's date, to August 14, 2008,  
23 in which to file a response to the pending Petition for Writ of Habeas Corpus (Petition).

24 A motion to dismiss the Petition was due no later than June 17, 2008. An answer to the  
25 Petition is due no later than today, June 30, 2008. An additional 45 days from today's date, in which  
26 to file a response, is requested for the reasons set forth in the accompanying declaration of counsel.

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08CV0767 BTM (WMc)

**CONCLUSION**

For the foregoing reasons, Respondent respectfully requests this Court grant the enlargement of time.

Dated: June 30, 2008

Respectfully submitted,

EDMUND G. BROWN JR.  
Attorney General of the State of California

DANE R. GILLETTE  
Chief Assistant Attorney General

GARY W. SCHONS  
Senior Assistant Attorney General

KEVIN VIENNA  
Supervising Deputy Attorney General

/s/Douglas P. Danzig

DOUGLAS P. DANZIG  
Deputy Attorney General  
Attorneys for Respondent

DPD:dp

70128927.wpd  
SD2008801136

**DECLARATION OF DOUGLAS P. DANZIG**

Douglas P. Danzig hereby declares:

I am the Deputy Attorney General assigned to prepare the pleadings in the case of *Orange v. Hedgepeth, et al.*, civil number 08-0767 BTM (WMC). The case was assigned to me on May 12, 2008. No previous enlargements of time have been granted to Respondent.

In the past 30 days I have filed responses in six federal habeas corpus cases. I have also been a primary reviewer for this office's federal habeas pleadings, and have filed internal memoranda concerning possible appeals of habeas decisions in district court cases.

In addition to the instant matter, I am currently assigned to prepare responses in eleven federal habeas cases, including answering briefs in three matters. Also, I remain one of this office's principal reviewers of federal habeas corpus pleadings. Orders to respond were issued in seven of the eleven referenced cases prior to the date the order to respond was issued in this case. Therefore, I will estimate it is unlikely I will be able to begin drafting a response in the instant case until approximately July 30, 2008.

The failure to file a response in this case within the time allotted by the Court is entirely my fault. Due to serious family problems, unrelated to work, I have recently had a great deal of difficulty managing my case. Nevertheless, that is no excuse, and I apologize to the Court for failing to comply with its Order regarding the due dates for a response.

I completed a preliminary review of this case today, June 30, 2008. That review revealed Respondents will probably file an Answer to Petition rather than a motion to dismiss.

Accordingly, I respectfully request this Court grant the requested enlargement of time.

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 30<sup>th</sup> day of June, 2008, at San Diego, California.

/s/Douglas P. Danzig

DOUGLAS P. DANZIG  
Deputy Attorney General

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Eugene Orange v. A. Hedgepeth, Warden, et al.**

No.: **08CV0767 BTM (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On June 30, 2008, I served the attached **EX PARTE REQUEST FOR ENLARGEMENT OF TIME TO FILE ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

Eugene Orange  
# V-064598  
Kern Valley State Prison  
P.O. Box 5103  
Delano, CA 93216-5103

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 30, 2008, at San Diego, California.

\_\_\_\_\_  
D. Perez  
Declarant

\_\_\_\_\_  
  
Signature